

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

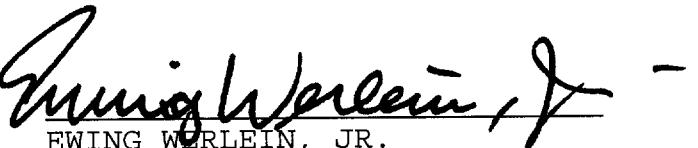
John B. Berry, Trustee, et al, §
§
Plaintiff, § Civil Action No. H-05-1101
v. § Consolidated with
§ Civil Action No. H-06-2053
§
WPS, Inc., et al, §
§
Defendants §

ORDER OF DISMISSAL ON SETTLEMENT ANNOUNCEMENT

The Court has been informed that a settlement of this cause of action has been reached, and as part of the agreement, part of the monies to be paid in settlement may be paid by December 31, 2008. Given the settlement and the initial payment by Defendant toward the settlement, this case is **DISMISSED** without prejudice to the right of the parties to move for reinstatement no later than January 30, 2009, in the event the settlement is not fully consummated.

The Clerk will enter this Order and notify all parties.

SIGNED at Houston, Texas, on August 4, 2008.


Ewing Werlein, Jr.
EWIN WERLEIN, JR.
UNITED STATES DISTRICT JUDGE